

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

JERRY L. HUNTER,)	
)	
Plaintiff,)	
)	No: 1:10-0021
v.)	Judge Campbell/Bryant
)	
LES HELTON, et al.,)	
)	
Defendants.)	

TO: The Honorable Todd J. Campbell

REPORT AND RECOMMENDATION

Pending in this case is a "Petition For Permanent Injunctive Relief" (Docket Entry No. 3) filed by plaintiff Hunter and Joey Q. Perryman. (Following the filing of this petition the Court ordered that Mr. Perryman's claim be severed and assigned a separate docket number.) (Docket Entry No. 11).

Plaintiff Hunter in this petition seeks a "permanent injunctive order" prohibiting the defendants from six specific acts or omissions which plaintiff asserts are unconstitutional practices.

Significantly, plaintiff Hunter has not sought a preliminary injunction or a temporary restraining order as provided under Rule 65 of the Federal Rules of Civil Procedure. Instead, he apparently seeks injunctive relief in the form of a permanent injunction following a trial.

Given that plaintiff's petition seeks permanent injunctive relief and fails to satisfy the requirements of Rule 65 for the imposition of a preliminary injunction or temporary restraining order, the undersigned Magistrate Judge finds that

plaintiff's petition for permanent injunctive relief (Docket Entry No. 3) should be denied without prejudice to the plaintiff's right to seek injunctive relief as a remedy at trial.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that plaintiff's Petition For Permanent Injunctive Relief be **DENIED** as premature and without prejudice to plaintiff's right to seek injunctive relief at trial.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 12th day of January 2011.

s/ John S. Bryant _____
JOHN S. BRYANT
United States Magistrate Judge